

FEB 16 2004

Entered - 09/25/03 - sb
CL03L0777 - DIANNE C. MITCHELL

CLAIM OF: **LAURA K. DEWBRE**
71 Maddox Drive
#10
Atlanta, Georgia 30309

04-*R*-0198

For damages alleged to have been sustained as a result of vehicular damage due to a fallen tree limb on September 22, 2003 at 75 Maddox Drive.

THIS ADVERSE REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FEB 16 2004

CERTIFIED
FEB 16 2004
Rick Douglas Johnson
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &

ADMINISTRATION COMMITTEE

DATE 2/10/04

CHAIR

[Signature]
[Signature]
[Signature]



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

February 25, 2004

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

Laura K. Dewbre
71 Maddox Drive
Apartment 10
Atlanta, GA 30309

04-R-0198

Dear Ms. Dewbre:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 16, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0777

Date: January 22, 2004

Claimant /Victim LAURA K. DEWBRE

BY: (Atty)(Ins. Co.) _____

Address: 71 Maddox Drive, #10, Atlanta, Georgia 30309

Subrogation: _____ Claim for Property damage \$ Not Stated Bodily Injury \$ _____

Date of Notice: 09/24/03 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/22/03 Place: 75 Maddox Drive

Department PRCA Bureau: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her vehicle was damaged when a tree limb fell on same. However, the claimant has elected to receive payment for her damages through her insurance carrier, see City Claim Number 03L0932.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

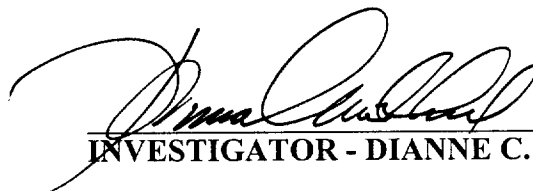
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. X Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager: [Signature] Concur/date 01/27/04

Committee Action: _____ Council Action _____

RCS# 5424
2/16/04
2:55 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

*Reconsidered
see
RCS# 5425*

B Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
A Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5425
2/16/04
2:56 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 1-12, EXCEPT:04-R-0242

RECONSIDER

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5426
2/16/04
2:58 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242
AND 04-R-0130
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

2-16-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0049 2. 04-O-0125 3. 04-O-0126 4. 04-O-0143 5. 04-O-0144 6. 04-O-0035 7. 04-O-0067 8. 04-O-0233 9. 04-O-0235 10. 04-O-0251 11. 04-O-0231 12. 04-R-0188 13. 04-R-0190 14. 04-R-0228 15. 04-R-0229 16. 04-R-0222 17. 04-R-0227 18. 04-R-0128 19. 04-R-0129 20. 04-R-0130 21. 04-R-0131 22. 04-R-0189 23. 04-R-0273 24. 04-R-0218 25. 04-R-0219 26. 04-R-0220 27. 04-R-0245 28. 04-R-0246 29. 04-R-0249 30. 04-R-0250 31. 04-R-0274 32. 04-R-0226	33. 04-R-0207 34. 04-R-0208 35. 04-R-0209 36. 04-R-0210 37. 04-R-0211 38. 04-R-0212 39. 04-R-0213 40. 04-R-0214 41. 04-R-0215 42. 04-R-0223 43. 04-R-0224 ITEMS ADVERSESED ON CONSENT 44. 04-R-0191 45. 04-R-0192 46. 04-R-0193 47. 04-R-0194 48. 04-R-0195 49. 04-R-0196 50. 04-R-0197 51. 04-R-0198 52. 04-R-0199 53. 04-R-0200 54. 04-R-0201 55. 04-R-0202 56. 04-R-0203 57. 04-R-0204 58. 04-R-0205 59. 04-R-0206 60. 04-R-0225